

Exhibit D

Hershey, Samuel

From: Richard Pachulski <rpachulski@pszjlaw.com>
Sent: Saturday, October 14, 2023 8:08 PM
To: Pesce, Gregory
Cc: James O'Neill; O'Neill, Andrew; Alan Kornfeld; Debra Grassgreen; Hershey, Samuel; Steven W. Golden; Christopher Samis; Gorman, Sean
Subject: Re: Amyris - Jefferies
Attachments: 14CC9315-084B-401F-B809-603A91197B35.jpg

I will be happy to send you the NDA that was signed by both parties, and Jefferies had no right to show you or anyone else the Analysis or any of the underlying financial information provided without the Debtors' consent. Just referencing the work done in a declaration submitted by Jefferies was a blatant breach of the NDA. You may have wanted to ask for the NDA before reviewing anything.

Sent from my iPhone

On Oct 14, 2023, at 3:23 PM, Pesce, Gregory <gregory.pesce@whitecase.com> wrote:

Rich,

I recall you stating the presentation was shared and the meeting occurred in mid-May. In any event, it is of no importance because your own continuance pleading provides a specific date (May 17) for which we have allegedly received Board materials from the Debtors in a production. That paragraph is cited in my original email below. In any event, we look forward to receiving (or you supplementing) what the Debtors promised to provide in terms of discovery material.

The declaration filed at Docket No. 503 is consistent with what you stated in your motion regarding the timing of slides from Jefferies.

Finally, as previously discussed, after you raised this topic, we promptly discussed it with Jefferies and then reviewed what Jefferies prepared, which Jefferies provided to us. We reviewed that document subject to the confidentiality arrangement the UCC has with the Debtors. (I would note that the source of any document received from a third party does not excuse the Debtors' obligation to produce any such document in discovery.) If you believe that the slides prepared by Jefferies are confidential and subject to a confidentiality agreement between Jefferies and the Debtors, we would like to see an executed copy of that agreement and confirmation of the date on which it was executed by the Debtors and returned to Jefferies.

Thank you.

Gregory F. Pesce | Partner

T +1 312 881 5360 E gregory.pesce@whitecase.com

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<14CC9315-084B-401F-B809-603A91197B35.jpg>

From: Richard Pachulski <rpachulski@pszjlaw.com<mailto:rpachulski@pszjlaw.com>>
Date: Saturday, Oct 14, 2023 at 5:01 PM
To: Pesce, Gregory <gregory.pesce@whitecase.com<mailto:gregory.pesce@whitecase.com>>
Cc: James O'Neill <JONeill@pszjlaw.com<mailto:JONeill@pszjlaw.com>>, O'Neill, Andrew <aoneill@whitecase.com<mailto:aoneill@whitecase.com>>, Alan Kornfeld <akornfeld@pszjlaw.com<mailto:akornfeld@pszjlaw.com>>, Debra Grassgreen

<dgrassgreen@pszjlaw.com<mailto:dgrassgreen@pszjlaw.com>>, Hershey, Samuel
<sam.hershey@whitecase.com<mailto:sam.hershey@whitecase.com>>, Steven W. Golden
<sgolden@pszjlaw.com<mailto:sgolden@pszjlaw.com>>, Christopher Samis
<csamis@potteranderson.com<mailto:csamis@potteranderson.com>>, Gorman, Sean
<sean.gorman@whitecase.com<mailto:sean.gorman@whitecase.com>>
Subject: Re: Amyris - Jefferies

First Greg, I don't recall my saying that on October 7, and I find it odd that you now say that since Leon's Second Supplemental Declaration says quite the opposite, which was after our conversation.

Second, your e-mail of last week said you had the presentation and you reviewed it. Was that inaccurate?

Third, I will check what was produced since that was not part of my work stream.

Regards,

Richard

Sent from my iPhone

> On Oct 14, 2023, at 2:42 PM, Pesce, Gregory <gregory.pesce@whitecase.com> wrote:
>
> Rich,
>
> When we spoke on October 7th, you stated that presentation prepared by Jefferies regarding the Givaudan transaction was shared with the Amyris, Inc. Board of Directors in mid-May of this year. Yesterday, the Debtors filed a motion with the Court stating that this presentation was shared with the Amyris, Inc. Board of Directors on May 17, 2023. See D.I. 534 at ¶ 6.
>
> We have reviewed the board materials in connection with the May 17, 2023 board meeting that the Debtors have produced to us, and we have not identified any Jefferies presentation from that date.
>
> Accordingly, we ask that the Debtors please:
>
> 1. Produce the Jefferies presentation regarding the Givaudan
> transaction to us immediately, along with any documents demonstrating
> that it was shared with the board on May 17, 2023, as the Debtors
> stated in yesterday's motion; and
>
> 2. Explain why this presentation was not previously produced to us, given that it is directly responsive to our request on September 18, 2023 for all board minutes and materials, which the Debtors have agreed to produce, and other materials from the May 17, 2023 board meeting were shared with us, without any notice or disclosure that those materials were incomplete.
>
> Given the small number of documents at issue and the fact that you have asked for your motion to be heard on shortened notice, we ask that you produce these documents by Sunday, October 15 at 12:00 pm (ET).
>
> Thank you.
>
>
> Gregory F. Pesce | Partner
> T +1 312 881 5360 E gregory.pesce@whitecase.com
> White & Case LLP | 111 South Wacker Drive, Suite 5100 | Chicago,
> IL 60606-4302
>
>
> -----Original Message-----
> From: Richard Pachulski <rpachulski@pszjlaw.com>
> Sent: Thursday, October 12, 2023 7:01 PM

> To: Pesce, Gregory <gregory.pesce@whitecase.com>
> Cc: James O'Neill <JONeill@pszjlaw.com>; O'Neill, Andrew
> <aoneill@whitecase.com>; Alan Kornfeld <akornfeld@pszjlaw.com>; Debra
> Grassgreen <dgrassgreen@pszjlaw.com>; Hershey, Samuel
> <sam.hershey@whitecase.com>; Steven W. Golden <sgolden@pszjlaw.com>;
> Christopher Samis <csamis@potteranderson.com>
> Subject: Re: Amyris - Jefferies
>
> We will as soon as we can figure out internally what happened. We will explain to the Judge that you prefer we do
discovery on 24 hours notice in the dark. I am not going to rush into discovery until we do our work.
>
> Sent from my iPhone
>
> On Oct 12, 2023, at 4:52 PM, Pesce, Gregory <gregory.pesce@whitecase.com> wrote:
>
>
> Rich -
>
> Also, Sam is available to coordinate any deposition of Jefferies if the Debtors wish to take one. Finally, please feel free
to coordinate with Sam on any discovery you may wish to seek.
>
> Thanks.
>
>
> Gregory F. Pesce | Partner
>
> T +1 312 881 5360 E gregory.pesce@whitecase.com
>
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> IL 60606-4302
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> <14CC9315-084B-401F-B809-603A91197B35.jpg>
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>
> From: Richard Pachulski
> <rpachulski@pszjlaw.com<mailto:rpachulski@pszjlaw.com>>
> Date: Thursday, Oct 12, 2023 at 7:38 PM
> To: Pesce, Gregory
> <gregory.pesce@whitecase.com<mailto:gregory.pesce@whitecase.com>>
> Cc: James O'Neill <JONeill@pszjlaw.com<mailto:JONeill@pszjlaw.com>>,
> O'Neill, Andrew <aoneill@whitecase.com<mailto:aoneill@whitecase.com>>,
> Alan Kornfeld <akornfeld@pszjlaw.com<mailto:akornfeld@pszjlaw.com>>,
> Debra Grassgreen
> <dgrassgreen@pszjlaw.com<mailto:dgrassgreen@pszjlaw.com>>, Hershey,
> Samuel <sam.hershey@whitecase.com<mailto:sam.hershey@whitecase.com>>,
> Steven W. Golden <sgolden@pszjlaw.com<mailto:sgolden@pszjlaw.com>>
> Subject: Re: Amyris - Jefferies
>
> Thanks.
>
> Sent from my iPhone
>
> On Oct 12, 2023, at 4:38 PM, Pesce, Gregory <gregory.pesce@whitecase.com> wrote:
>
>
> Rich -
>
> You have our answer. File your motion and we will response. Stop with the threads and with delaying the case with
these types of excuses and delays. The company — as you keep telling me — doesn't have the liquidity for delays.
>

> Gregory F. Pesce | Partner
 > T +1 312 881 5360 E gregory.pesce@whitecase.com
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 > IL 60606-4302 <14CC9315-084B-401F-B809-603A91197B35.jpg>
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 >
 > From: Richard Pachulski
 > <rpachulski@pszjlaw.com<mailto:rpachulski@pszjlaw.com>>
 > Date: Thursday, Oct 12, 2023 at 7:30 PM
 > To: Pesce, Gregory
 > <gregory.pesce@whitecase.com<mailto:gregory.pesce@whitecase.com>>
 > Cc: James O'Neill <JONeill@pszjlaw.com<mailto:JONeill@pszjlaw.com>>,
 > O'Neill, Andrew <aoneill@whitecase.com<mailto:aoneill@whitecase.com>>,
 > Alan Kornfeld <akornfeld@pszjlaw.com<mailto:akornfeld@pszjlaw.com>>,
 > Debra Grassgreen
 > <dgrassgreen@pszjlaw.com<mailto:dgrassgreen@pszjlaw.com>>, Hershey,
 > Samuel <sam.hershey@whitecase.com<mailto:sam.hershey@whitecase.com>>,
 > Steven W. Golden <sgolden@pszjlaw.com<mailto:sgolden@pszjlaw.com>>
 > Subject: RE: Amyris - Jefferies
 >
 > If you think Jefferies' risk of having breached the NDA and being a witness based on their Givaudan valuation analysis is petty and disingenuous, aside from their conflict in providing the Debtors with the analysis in the first place, you are welcome to raise that with the Court. I strongly recommend the OCC grant the 2 week continuance. I also assume you have provided the Debtors' position to Jefferies' counsel, even though they have not been included in this e-mail string.
 >
 > Regards,
 >
 > Richard
 >
 > Richard Pachulski
 > Pachulski Stang Ziehl & Jones LLP
 > Tel: 310.277.6910 | Fax: 310.201.0760
 > rpachulski@pszjlaw.com<mailto:rpachulski@pszjlaw.com>
 > vCard<http://www.pszjlaw.com/vcard-35.vcf<http://www.pszjlaw.com/vcard
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 > Los Angeles | San Francisco | Wilmington, DE | New York | Houston
 >
 > From: Pesce, Gregory [mailto:gregory.pesce@whitecase.com]
 > Sent: Thursday, October 12, 2023 4:16 PM
 > To: Richard Pachulski <rpachulski@pszjlaw.com>
 > Cc: James O'Neill <JONeill@pszjlaw.com>; O'Neill, Andrew
 > <aoneill@whitecase.com>; Alan Kornfeld <akornfeld@pszjlaw.com>; Debra
 > Grassgreen <dgrassgreen@pszjlaw.com>; Hershey, Samuel
 > <sam.hershey@whitecase.com>; Steven W. Golden <sgolden@pszjlaw.com>
 > Subject: RE: Amyris - Jefferies
 >
 > Rich - Let's take it up with the judge. This is a petty and disingenuous dispute. I can tell you the facts but I can't force you to understand them. We'll respond to the motion when it's filed.

>
> Gregory F. Pesce | Partner
> T +1 312 881 5360 E gregory.pesce@whitecase.com<<mailto:gregory.pesce@whitecase.com>>
> White & Case LLP | 111 South Wacker Drive, Suite 5100 | Chicago,
> IL 60606-4302 <[image003.png](#)>
>
> From: Richard Pachulski
> <rpachulski@pszjlaw.com<<mailto:rpachulski@pszjlaw.com>>>
> Date: Thursday, Oct 12, 2023 at 7:10 PM
> To: Pesce, Gregory
> <gregory.pesce@whitecase.com<<mailto:gregory.pesce@whitecase.com>>>
> Cc: James O'Neill <JONeill@pszjlaw.com<<mailto:JONeill@pszjlaw.com>>>, O'Neill, Andrew <aoneill@whitecase.com<<mailto:aoneill@whitecase.com>>>, Alan Kornfeld <akornfeld@pszjlaw.com<<mailto:akornfeld@pszjlaw.com>>>, Debra Grassgreen <dgrassgreen@pszjlaw.com<<mailto:dgrassgreen@pszjlaw.com>>>, Hershey, Samuel <sam.hershey@whitecase.com<<mailto:sam.hershey@whitecase.com>>>, Steven W. Golden <sgolden@pszjlaw.com<<mailto:sgolden@pszjlaw.com>>>
> Subject: RE: Amyris - Jefferies
>
> Greg, I do not intend to debate this with you. The Debtors asked for no discovery because the Jefferies Application was completely deficient and I am not a mind reader. FTI can do the work, and you know it. Here is the bottom line: The Debtors do not believe that Jefferies should be representing the Committee. If you don't want to agree to a continuance that is the OCC's call. In addition, I certainly hope Jefferies publicly disclosing the existence of the Givaudan Valuation Report does not have a negative impact on the Debtors. That, in and of itself, is a likely breach of the NDA!!!
>
> Regards,
>
> Richard
>
> Richard Pachulski
> Pachulski Stang Ziehl & Jones LLP
> Tel: 310.277.6910 | Fax: 310.201.0760
> rpachulski@pszjlaw.com<<mailto:rpachulski@pszjlaw.com>>
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> Bio<<http://www.pszjlaw.com/attorneys-richard-m-pachulski.html><<http://www.pszjlaw.com/attorneys-richard-m-pachulski.html><<http://www.pszjlaw.com/attorneys-richard-m-pachulski.html><<http://www.pszjlaw.com/attorneys-richard-m-pachulski.html>>> |
> LinkedIn<<https://www.linkedin.com/in/richard-pachulski-a3891ba0><<https://www.linkedin.com/in/richard-pachulski-a3891ba0><<https://www.linkedin.com/in/richard-pachulski-a3891ba0><<https://www.linkedin.com/in/richard-pachulski-a3891ba0>>>>
> <[image001.jpg](#)>
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> Los Angeles | San Francisco | Wilmington, DE | New York | Houston
>
> From: Pesce, Gregory [<mailto:gregory.pesce@whitecase.com>]
> Sent: Thursday, October 12, 2023 4:01 PM
> To: Richard Pachulski
> <rpachulski@pszjlaw.com<<mailto:rpachulski@pszjlaw.com>>>
> Cc: James O'Neill <JONeill@pszjlaw.com<<mailto:JONeill@pszjlaw.com>>>, O'Neill, Andrew <aoneill@whitecase.com<<mailto:aoneill@whitecase.com>>>, Alan Kornfeld <akornfeld@pszjlaw.com<<mailto:akornfeld@pszjlaw.com>>>, Debra Grassgreen <dgrassgreen@pszjlaw.com<<mailto:dgrassgreen@pszjlaw.com>>>, Hershey, Samuel <sam.hershey@whitecase.com<<mailto:sam.hershey@whitecase.com>>>, Steven W. Golden <sgolden@pszjlaw.com<<mailto:sgolden@pszjlaw.com>>>

> Subject: RE: Amyris - Jefferies
>
> Rich,
>
> It's deeply ironic your client or your independent director can't provide basic information to the Committee for its investigation after weeks of asking—I refer to the statement filed by the Committee on this matter earlier this evening—yet the Debtors are now invoking the existence of information the Debtors apparently have in their own files as a basis to the oppose the Jefferies retention.
>
> There's no basis for the continuance and it is bordering on harassment and abuse of the legal process to seek a continuance. The reasons for this are numerous. To name a few, you need only to look at how long this matter has been noticed, the company's limited liquidity, and the fact you are asking the Committee to engage on a plan (for which the Committee requires involvement by Jefferies). It's also relevant that you already objected, you have not sought ANY discovery on this matter to date, and your client possesses the information you assert affects Jefferies's ability to get retained.
>
> At the same time, the Committee needs resolution of this matter and we strongly disagree with the Debtors' practice to date of deferring and delaying hearings on key matters given the facts and circumstances of these cases. Therefore, we do not oppose your request to have the motion to expedite heard next week.
>
> For the avoidance of any doubt, we oppose the continuance to November itself.
>
> We reserve all rights.
>
>
> Gregory F. Pesce | Partner
>
> T +1 312 881 5360 E gregory.pesce@whitecase.com
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> White & Case LLP | 111 South Wacker Drive, Suite 5100 | Chicago,
> IL 60606-4302
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>
> From: Richard Pachulski
> <rpachulski@pszjlaw.com>
> Date: Thursday, Oct 12, 2023 at 6:39 PM
> To: Pesce, Gregory
> <gregory.pesce@whitecase.com>
> Cc: James O'Neill <JONeill@pszjlaw.com>, JONeill@pszjlaw.com>,
> O'Neill, Andrew <aoneill@whitecase.com>, aoneill@whitecase.com>,
> Alan Kornfeld <akornfeld@pszjlaw.com>, akornfeld@pszjlaw.com>,
> Debra Grassgreen
> <dgrassgreen@pszjlaw.com>, Hershey,
> Samuel <sam.hershey@whitecase.com>, sam.hershey@whitecase.com>,
> Steven W. Golden <sgolden@pszjlaw.com>, sgolden@pszjlaw.com>
> Subject: Re: Amyris - Jefferies
>
> Greg, we are doing an internal investigation of what was provided to Jefferies in May 2023 and the Debtors may have to take Jefferies' deposition and request documents depending on what the Debtors discover internally. Leon concedes that Jefferies signed an NDA and received financial information. We have no idea what Jefferies received, for instance, so the Debtors need to do internal due diligence. To be clear, to the best of the Debtors' knowledge the information provided Jefferies was not for a 'pitch'. If you think it was, please forward to me the RFP, since I know of none.
>
> The failure to disclose Jefferies May 2023 involvement with the Debtors is a serious disclosure omission and should have resulted in the the OCC filing a revised retention motion or, more appropriately, permanently withdrawing the Jefferies Retention Motion. Also, to say the least, your reviewing the presentation and possibly the documents provided to Jefferies by the Debtors without the Debtors' consent, in light of the NDA, is unprecedented and inappropriate.
>

> I would hope the OCC would reconsider its position and grant the Debtors the short requested continuance but, if not, we will try to have the Motion to Continue heard this coming Monday.

>

> Regards,

>

> Richard

>

> Sent from my iPhone

>

> On Oct 12, 2023, at 3:20 PM, Pesce, Gregory
<gregory.pesce@whitecase.com<mailto:gregory.pesce@whitecase.com>> wrote:

>

>

> Jamie -

>

> We will oppose the continuance. We want to understand the basis for shortening notice. What's the basis for the objection other than the discovery by your client that Jefferies pitched work to it prepetition? Is there something else that you are going to invoke? The extension does not make sense based on what Rich emailed me about, so, we're trying to confirm the exact issue.

>

> Please advise and we can give you a response on the shortening notice.

>

> Greg

>

>

> Gregory F. Pesce | Partner

>

> T +1 312 881 5360 E gregory.pesce@whitecase.com<mailto:gregory.pesce@whitecase.com>

>

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> IL 60606-4302

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> [14CC9315-084B-401F-B809-603A91197B35.jpg]

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> From: James O'Neill
> <JONeill@pszjlaw.com<mailto:JONeill@pszjlaw.com<mailto:JONeill@pszjlaw
> .com%3cmmailto:JONeill@pszjlaw.com>>>

> Date: Thursday, Oct 12, 2023 at 5:24 PM

> To: Richard Pachulski
> <rpachulski@pszjlaw.com<mailto:rpachulski@pszjlaw.com<mailto:rpachulski
> i@pszjlaw.com%3cmmailto:rpachulski@pszjlaw.com>>>

> Cc: Pesce, Gregory
> <gregory.pesce@whitecase.com<mailto:gregory.pesce@whitecase.com<mailto
> :gregory.pesce@whitecase.com%3cmmailto:gregory.pesce@whitecase.com>>>,
> O'Neill, Andrew
> <aoneill@whitecase.com<mailto:aoneill@whitecase.com<mailto:aoneill@whi
> tecase.com%3cmmailto:aoneill@whitecase.com>>>, Alan Kornfeld
> <akornfeld@pszjlaw.com<mailto:akornfeld@pszjlaw.com<mailto:akornfeld@p
> szjlaw.com%3cmmailto:akornfeld@pszjlaw.com>>>, Debra Grassgreen
> <dgrassgreen@pszjlaw.com<mailto:dgrassgreen@pszjlaw.com<mailto:dgrassg
> reen@pszjlaw.com%3cmmailto:dgrassgreen@pszjlaw.com>>>

> Subject: Re: Amyris - Jefferies

>

> Correct

>

> James E. O'Neill
> Pachulski Stang Ziehl & Jones LLP

>

> On Oct 12, 2023, at 5:14 PM, Richard Pachulski <rpachulski@pszjlaw.com<mailto:rpachulski@pszjlaw.com>> wrote:

>

> When are you proposing the shortened hearing for on the expedited motion?

>

> Gregory F. Pesce | Partner

> T +1 312 881 5360 E

gregory.pesce@whitecase.com<mailto:gregory.pesce@whitecase.com<mailto:gregory.pesce@whitecase.com%3cmailto:gregory.pesce@whitecase.com>>>

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> IL 60606-4302 [image003.png]

>

> From: James O'Neill

> <JONeill@pszjlaw.com<mailto:JONeill@pszjlaw.com<mailto:JONeill@pszjlaw

> .com%3cmailto:JONeill@pszjlaw.com>>>

> Date: Thursday, Oct 12, 2023 at 4:59 PM

> To: Pesce, Gregory

> <gregory.pesce@whitecase.com<mailto:gregory.pesce@whitecase.com<mailto

> :gregory.pesce@whitecase.com%3cmailto:gregory.pesce@whitecase.com>>>,

> O'Neill, Andrew

> <aoneill@whitecase.com<mailto:aoneill@whitecase.com<mailto:aoneill@whi

> tcase.com%3cmailto:aoneill@whitecase.com>>>

> Cc: Richard Pachulski

> <rpachulski@pszjlaw.com<mailto:rpachulski@pszjlaw.com<mailto:rpachulsk

> i@pszjlaw.com%3cmailto:rpachulski@pszjlaw.com>>>, Alan Kornfeld

> <akornfeld@pszjlaw.com<mailto:akornfeld@pszjlaw.com<mailto:akornfeld@p

> szjlaw.com%3cmailto:akornfeld@pszjlaw.com>>>, Debra Grassgreen

> <dgrassgreen@pszjlaw.com<mailto:dgrassgreen@pszjlaw.com<mailto:dgrassg

> reen@pszjlaw.com%3cmailto:dgrassgreen@pszjlaw.com>>>

> Subject: Amyris - Jefferies

>

> Greg and Andy, I understand the committee has not agreed our request to continue the hearing on the Jefferies retention. If that is still the case, we will need to file a motion asking the court to adjourn it and we will request that it be heard on shortened time.

>

> Can you please confirm that the Committee will not agree to continue the matter to November 6 and, if so, does the committee oppose our request for shortened time on the motion to continue?

>

> Thanks.

>

> Jamie

>

> James O'Neill

> Pachulski Stang Ziehl & Jones LLP

> Direct Dial: 302.778.6407

> Tel: 302.652.4100 | Cell: 302.438.1615 | Fax: 302.652.4400

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> vCard<http://www.pszjlaw.com/vcard-67.vcf<http://www.pszjlaw.com/vcard

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> jlaw.com/vcard-67.vcf>>>> |

> Bio<http://www.pszjlaw.com/attorneys-james-e-oneill.html<http://www.ps

> zjlaw.com/attorneys-james-e-oneill.html<http://www.pszjlaw.com/attorne

> ys-james-e-oneill.html<http://www.pszjlaw.com/attorneys-james-e-oneill

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